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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,204	08/28/2003	Sheila Farrokhlaee Kia	GP-302338	7152

7590 10/04/2005

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EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,204	KIA ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	William T. Leader	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brugger (4,209,569) in view of Junkel (5,392,695).
3. The Brugger patent is directed to a method of making an aluminum baking form. The aluminum is anodized in sulfuric acid and then colored by electrolytically depositing metal particles in the pores of the oxide layer.
4. Independent claims 1 and 6 differ from the process of Brugger by reciting a step of heating at a temperature above 300°F. The article made by Brugger is an aluminum utensil for baking purposes (column 1, lines 6-8). The Junkel patent discloses that it is known to bake at a temperature of 350°F for a time of 45 minutes (column 1, lines 29-33). The prior art of record is indicative of the level of skill of one of ordinary skill in the art. It would have been obvious at the time the invention was made to have subjected the anodized and electrolytically colored article of Brugger to a temperature of 350°F for a time of 45 minutes because these are standard baking conditions as shown by Junkel. Claim 9 additionally recites that the method is for making an exterior vehicular aluminum alloy sheet metal body panel. The process steps of claim 9 are the same as those of claim 6 with the addition of forming the body panel from an aluminum

alloy sheet material. Brugger additionally discloses that baking utensils are generally fabricated from sheet aluminum by deep drawing (column 1, lines 35-36). Thus, the additional process step of forming recited in claim 9 is taught by Brugger. A difference in intended use of the product produced does not distinguish the process of making.

5. Claim 7 additionally recites the step of sealing the colored layer. Brugger teaches that the colored aluminum article may be sealed in de-ionized water at a temperature of 98-100°C or in superheated steam (column 3, lines 38-41)

6. Claims 2-5 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Brugger (4,209,569) in view of Junkel (5,392,695) as applied to claims 1, 6, 7 and 9 above, and further in view of Jozefowicz (5,277,982) and Nitowski et al (5,324,587).

7. Claims 2-5 and 8 recite particular aluminum alloys. Brugger teaches the use of any aluminum alloy suitable for making utensils (column 1, lines 26-33). Jozefowicz (examples 8 and 9, for example) and Nitowski et al (claim 1) show that AA5000 and AA6000 alloys are suitable for anodizing. It would have been obvious at the time the invention was made to have utilized an AA5000 or AA6000 alloy in the process of Brugger because Brugger broadly teaches the application of the process and Jozefowicz and Nitowski et al disclose the anodization of AA5000 and AA6000 series alloys.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Leader  
September 29, 2005

ROY KING   
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700